

Form 146LOC (Revised 04/22/2002)

United States Bankruptcy Court – District of South Carolina

J. Bratton Davis United States
Bankruptcy Courthouse
1100 Laurel Street
Columbia, SC 29201

Case Number: 04–10401–wb

Adversary/Complaint Number: 04–80326–wb

Name of Debtor(s): Mary Elaine Williams

W. Clarkson McDow US Trustee For Region Four Jr.

Plaintiffs(s)

v.

Lloyd Trotter

Defendants(s)

**ALL DOCUMENTS REGARDING THIS MATTER
MUST BE IDENTIFIED BY BOTH ADVERSARY
AND CASE NUMBERS**

SUMMONS

Filed By The Court

10/1/04

**Brenda K. Argoe
Clerk of Court
US Bankruptcy Court**

TO THE ABOVE NAMED DEFENDANTS(S):

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the Clerk of the Bankruptcy Court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

United States Bankruptcy Court
Post Office Box 1448
Columbia SC 29202

At the same time, you must also serve a copy of the motion upon the plaintiff's attorney.

John Timothy Stack
Office of the United States Trustee
1835 Assembly Street Suite 953
Columbia, SC 29201

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.



Brenda K. Argoe
Clerk of Court
United States Bankruptcy Court

By: D Roland, Deputy Clerk
PO Box 1448
Columbia, SC 29202

Date of Issuance: 10/1/04

Document: 2

OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT

CLERK OF COURT

BRENDA K. ARGOE

TELEPHONE (803)765-5436

POST OFFICE BOX 1448
COLUMBIA SOUTH CAROLINA 29202

NOTICE

10/1/04

John Timothy Stack
Office of the United States Trustee
1835 Assembly Street Suite 953
Columbia, SC 29201

Re: 04-80326-wb

The Summons issued by this office is enclosed to be attached to a copy of the Complaint you filed and both are to be served by you on the defendant(s) in the above captioned adversary proceeding. As soon as possible, please file an Affidavit or Certificate of Service with this office specifying the names and addresses of the parties served. Part VII of the Federal Rules of Bankruptcy Procedure governs adversary proceedings. Your attention is especially called to Federal Rule of Bankruptcy Procedure 7004 and the applicable provisions of Federal Rule of Civil Procedure 4 regarding time limits for service (Federal Rule of Bankruptcy Procedure 7004(f)) and dismissal for failure to make service (Federal Rule of Civil Procedure 4(m)). Should this adversary proceeding involve the United States of America or a Federal Agency or Officer as a defendant, you are directed to serve a copy of your summons and complaint upon all of the following:

- | | |
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| a. The agency or officer involved. | c. The Attorney General of the United States
Civil Division, Bankruptcy Section
U.S. Department of Justice
Washington, DC 20530 |
| b. United States Attorney for S.C.
For: (Show Federal Agency US Attorney represents)
1441 Main Street, Suite 500
Columbia, SC 29201 | |

THE PLEADING MUST SPECIFICALLY IDENTIFY THE FEDERAL AGENCY INVOLVED.

If you do not receive an answer or a motion from the defendant(s) within 30 days¹ of the date of issuance of the enclosed Summons, the defendant(s) will be considered in default. At that time, it will be your responsibility as the plaintiff to provide the court with an Affidavit of Default along with a proposed Order for Default Judgement, or in the event of unliquidated damages or other relief that requires a hearing, a motion for such a hearing. If, however, the defendant(s) answer(s) the Complaint within the prescribed time period, a pretrial conference will be scheduled and parties will be so notified.

Pursuant to SC LBR 7016(f), except where a complaint objecting to the discharge or dischargeability has been filed, an adversary proceeding may be dismissed by the court thirty (30) days after the filing of the complaint for lack of prosecution where no service of process has been made and certified to the court and the original or reissued summons has expired. In the event the court receives neither answer from the defendant(s) nor the aforementioned Affidavit and proposed Order from you, an Order dismissing the adversary for lack of prosecution may be handed down by the court. (Federal Rule of Bankruptcy Procedure 7004, Federal Rule of Civil Procedure 4(m)).

Very truly yours,

BRENDA K. ARGOE, Clerk of Court

BY: _____

D Roland, Deputy Clerk

Enclosures

¹ If the United States or an agency thereof is a defendant, the United States or the agency shall serve its answer within 35 days after the issuance of the summons. The time for any defendant to answer may be further extended by Order of the Court (Federal Rule of Bankruptcy Procedure 7012(a)).